

# Notice of Allowability

Application No.

09/896,657

Examiner

Trenton J. Roche

Applicant(s)

HERRERO, VICTOR R.

Art Unit

2193

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 12 April 2006.
2. ☒ The allowed claim(s) is/are 1-15 and 17 (renumbered as 1-16).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**KAKALI CHAKI**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. The Examiner did not consult Applicant's representative for authorization of this Examiner's amendment because the amendment of 12 April 2006 **did not include** the amendments of 25 November 2005, which had then put claims 1-8 and 12-14 in condition for allowance. The amendments of 25 November 2005 were considered essential to the allowance of the claims (note at least page 16, paragraph 3, which stresses the aspect of sending the entitlement ID to the client system), and as such, the Examiner considers their omission to be an inadvertent mistake and is correcting this error by an Examiner's amendment. The amendment (after-final) of 12 April 2006 will not be entered, and instead, the Examiner will incorporate the changes of that amendment into the last entered amendment of 25 November 2005, thereby clearing up amendment discrepancies. A clean listing of the claims appears below:

**Please replace ALL claims with the listing of claims below. The application has been amended as follows:**

Claim 1 (currently amended): A method on a client server network for the ordering, downloading, and installation of software, the method at the client system comprising:

presenting to a user a list of software for installation on a client system;

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receiving a user selection for an ordering order of at least one software file from the list of software on a software ordering server;

receiving a response to the order for at least one software file from the software ordering server, the response includes an entitlement ID for authorizing the installation of the software file, wherein the entitlement ID is sent from the software ordering server to the client system and the software delivery server;

requesting a download copy of the at least one software file from the software delivery server, the request includes the entitlement ID previously received from the software ordering server;

receiving, in response to the entitlement ID received from the software ordering server matching the entitlement ID received with a request for the download copy, the copy of the at least one software file from a staging server as part of a payload containing at least one customized installation script; and

installing the received copy of the at least one software file.

Claim 2 (currently amended): The method according to claim 1, wherein the receiving a response to the request for a copy of at least one software file, further comprising:

receiving a request for acceptance of a software license agreement for the copy of the at least one software file from the software delivery server; and

sending the acceptance of the software license agreement to the software delivery server for the ~~requested~~ copy of the at least one software file which has been requested.

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Claim 3 (previously presented): The method according to claim 1, wherein the receiving a response to the request for a copy of the at least one software file, further comprising:

    sending a system platform type for the client system;

    sending an amount of available storage for the client system; and

    sending at least one identifier of other software installed on the client system.

Claim 4 (currently amended): The method according to claim 1, wherein the ~~order~~ ordering of at least one software file from the software ordering server is accomplished only when the software file is needed for use.

Claim 5 (previously presented): The method according to claim 1, wherein the installing the received copy of the at least one software file requires no further intervention from the software ordering server.

Claim 6 (previously presented): The method according to claim 1, wherein the installing the received copy of the at least one software file requires no client user intervention by a user on the client system.

Claim 7 (previously presented): The method according to claim 1, wherein the installing the at least one received copy of the software file does not allow any choices or options by a user on the client system.

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Claim 8 (currently amended): The method according to claim 1, wherein completing the installation of the at least one received software file obviates ~~a the~~ need for help to install, or questions about the installation of the at least one software file from a help desk.

Claim 9 (currently amended): A method on a client server network for the selection, download and installation of software, the method at the software delivery server comprising:

receiving from a software ordering server, an entitlement ID for authorizing the installation of at least one software file which has been previously ordered on a client system, wherein the software ordering server originates the entitlement ID;

receiving a request from the client system for the download of a copy of the at least one software file to the client system, wherein the request includes ~~an a downloaded~~ entitlement ID generated by the software ordering server and sent to the client system in response to the client system ordering the copy of the at least one software file from the software ordering server, the downloaded entitlement ID used to order the software file;

verifying both the client system's PC compatibility for the ~~requested~~ copy of at least one software file which has been requested and that the entitlement ID received from the ordering server matches the entitlement ID used to order the at least one software file; and

scheduling the download of the requested software from a staging server to the client system.

Claim 10 (currently amended): The method according to claim 9, wherein the verifying, further comprising:

requesting a PC platform type of the client system ~~system's PC platform type~~;

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requesting a PC platform's available storage of the client[[s]] ~~system system's PC platform's available storage;~~

requesting a platform's installed software of the client ~~system system's platform's installed software;~~ and

verifying that one or more responses to the requests above are within allowable limits.

Claim 11 (currently amended): A method on a client server network for the ordering, deployment and installation of software, the method at the software delivery server comprising:

receiving an order entitlement ID for at least one software file, which has been previously ordered from a client system on a software ordering server, wherein the software ordering system originates the entitlement ID;

storing the entitlement ID for at least one software file in a database;

receiving from a client system a request for the a download [[down-load]] of at least one requested software file with a download entitlement ID ~~from a client system~~ generated by the software ordering server and sent to the client system in response to the client system ordering a copy of the at least one software file from the software ordering server;

determining if the download entitlement ID matches the order entitlement ID previously stored in the database, and in response to the order entitlement ID matching the download entitlement ID, scheduling a response to the request for a copy of the at least one software file at a scheduling server.

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Claim 12 (currently amended): A computer readable medium containing programming instructions for the ordering, downloading, and installation of software over a client server network, the programming instructions executing at the client system comprising:

presenting to a user a list of software for installation on a client system;

receiving a user selection for an order ~~ordering of~~ at least one software file from the list of software on a software ordering server;

receiving a response to the order for at least one software file from the software ordering server, the response includes an entitlement ID for authorizing the installation of the software file, wherein the entitlement ID is sent from the software ordering server to the client system and the software delivery server;

requesting a download copy of the at least one software file from the software delivery server, the request includes the entitlement ID previously received from the software ordering server;

receiving, in response to the entitlement ID received from the software ordering server matching the entitlement ID received with a request for the download copy, the copy of the at least one software file from a staging server as part of a payload containing at least one customized installation script; and

installing the ~~received~~ copy of the at least one software file which has been received.

Claim 13 (currently amended): The computer readable medium according to claim 12, wherein the programming instruction of receiving a response to the request for a copy of at least one software file, further comprising the programming instructions of:

receiving a request for acceptance of a software license agreement for the copy of the at least one software file from the software delivery server; and

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sending the acceptance of the software license agreement to the software delivery server for the ~~requested~~ copy of the at least one software file which has been requested.

Claim 14 (previously presented): The computer readable medium according to claim 12, wherein the programming instruction of receiving a response to the request for a copy of the at least one software file, further comprises:

sending a system platform type for the client system;

sending an amount of available storage for the client system; and

sending at least one identifier of other software installed on the client system.

Claim 15 (currently amended): A computer readable medium containing programming instructions for the ordering, deployment and installation of software over a client server network, the programming instructions executing at the software delivery server comprising:

receiving an entitlement ID for at least one software file, which has been previously ordered from a client system on a software ordering server, wherein the software ordering server originates the entitlement ID;

storing the entitlement ID for at least one software file in a database;

receiving from a client system a request for ~~the~~ a download [[down-load]] of at least one requested software file with a download entitlement ID generated by the software ordering server and sent to the client system in response to the client system ordering a copy of the at least one software file from the software ordering server ~~from a client system~~; and

determining if the download entitlement ID matches the order entitlement ID previously stored in the database, and in response to the order entitlement ID matching the download entitlement ID,



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scheduling a response to the request for a copy of the at least one software file at a scheduling server.

Claim 16 (cancelled)

Claim 17 (currently amended): A software delivery server coupled to a client server network, the delivery server comprising:

- a network interface for coupling at least one client system;
- an order entitlement ID received over the network interface for at least one software file, which has been previously ordered by the at least one client system on a software ordering server, wherein the software ordering server originates the entitlement ID;
- a database used to store the entitlement ID for at least one software file;
- a download request received over the network interface from at least one of the one or more client systems for a copy of the at least one software file, wherein the request includes an order entitlement ID generated by the software ordering server and sent to the one or more client system in response to the one or more client system ordering the copy of the at least one software file from the software ordering server for at least one software file; and
- means for determining if the entitlement ID received from the client system matches the order entitlement ID previously stored in the database, and in response to the order entitlement ID received from the client system matching the ~~previously stored~~ entitlement ID which has been previously stored, scheduling a response to the request for a copy of the at least one software file at a scheduling server.

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***Allowable Subject Matter & Examiner's Statement of Reason(s) for Allowance***

3. Claims 1-15 and 17 (renumbered as 1-16) are allowed.
4. The following is an Examiner's statement of reasons for allowance:

The closest found prior art of record, specifically, U.S. Patent Application Publication 2001/0011238 to Eberhard et al. (hereinafter Eberhard), taken alone or in combination with U.S. Patent 5,845,077 to Fawcett, fails to teach or reasonably suggest a method for ordering, downloading, and installing software on a client server network in accordance with independent claim 1. Specifically, the combined system of Eberhard and Fawcett does not teach *receiving a response to the order for at least one software file from the software ordering server... wherein the entitlement ID is sent from the software ordering server to the client system and the software delivery server...* (claim 1). Similar limitations involving the sending of the entitlement ID to both the client system and the software delivery server are recited in independent claims 9, 11, 12, 15 and 17.

Instead, Eberhard discloses a system wherein a client can order electronic information over a network. However, the ID checking methods disclosed by Eberhard operate in a different manner than those disclosed by the instant application, specifically, in Eberhard, the client system already contains an ID, wherein the instant application sends an entitlement ID from the software ordering server to the client system and the software delivery server. Note Applicant's arguments on pages 14-16 of the remarks submitted 25 November 2005.

Additionally, the Examiner has interpreted claim 17 to represent a software delivery server implemented in hardware and not a server system implemented purely in software, as the claim

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states various specifics which would require the utilization of hardware (e.g. a network interface, and a download requested received over a network). Accordingly, the claim cannot be considered as functional descriptive material and is fully within the statutory bounds of 35 U.S.C. § 101.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The Examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

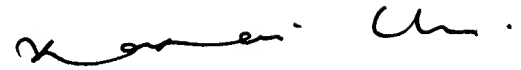
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Trenton J Roche  
Examiner  
Art Unit 2193

TJR



KAKALI CHAKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100